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Text Message Q&A #86

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Ha-Rav answers hundreds of text message questions a day! Here's a sample:

Our Ancestors' Surprising Actions in the Tanach

Q: From where do we learn that we should understand our Ancestors' surprising actions in the Tanach in a positive light instead of in the usual way we view people's actions?

A: We do not judge a person based on a particular act, but rather we judge the particular act based on the person who performs it. See Rambam in his commentary to the Mishnah on Avot (1:6): "Judge every person favorably". For example, when Moshe Rabbenu said about the Nation of Israel: "They will not believe me", it obviously did not mean that they were atheists.

Learning Tanach and Lashon Ha-Ra

Q: If while learning Tanach, people speak Lashon Ha-Ra about our Forefathers and Foremothers, perhaps it is preferable not to learn Tanach at all?

A: Not perhaps – certainly! Learning Tanach is a great Mitzvah, and Lashon Ha-Ra is a major transgression, and we do not perform a Mitzvah through a transgression. And there is a hint of this idea in what the Vilna Gaon wrote to his wife that if people speak Lashon Ha-Ra in Shul, it is preferable for her not to attend at all and not to daven at all (Igeret Ha-Gra).

Choshen Mishpat

Q: If I am not planning to be a Dayan, do I still have to learn Choshen Mishpat?

A: Certainly. 1. One must learn the entire Torah (Shut Igrot Moshe, Yoreh Deah 2:110, 4:36). 2. One must know Choshen Mishpat in order to fulfill the Mitzvot between one person and another (See Orot Ha-Teshuvah 13:5. And in the notes of Rabbenu Ha-Rav Tzvi Yehudah [#6] who directs one to the book "Ha-Tzadik R' Yosef Zundel Salant" which explains that it is impossible to be G-d-fearing if one does not learn Choshen Mishpat, and it

is difficult to be careful regarding the laws of damages and Mitzvot between people if one is lacking knowledge in the areas of proper character traits and Musar).

#### Aliyah on Yahrzeit

Q: On a day when I observe Yahrzeit, should I battle to receive an Aliyah?

A: This is indeed a proper custom, but do not argue about it, since that is a major transgression (See Shut She'eilat Shlomo 1:79 #21).

#### Physically-Challenged Person as Shaliach Tzibur

Q: Can a person in a wheelchair serve as Shaliach Tzibur?

A: Some authorities are strict, but it is permissible, and - on the contrary - there is an advantage for a person with a broken heart (i.e. a person in some type of distress) to lead davening. Mishnah Berurah 53:13.

#### Bikur Cholim on the Telephone

Q: Does one fulfill the Mitzvah of Bikur Cholim on the phone?

A: It depends on the reality and what is best for the sick person. Shut Tzitz Eliezer 8:5 (see Shut Igrot Moshe, Yoreh Deah 1:223).

#### Bikur Cholim for a Sleeping Person

Q: If one comes to visit an ill person and he is sleeping, does he fulfill the Mitzvah of Bikur Cholim?

A: Yes, since others will tell the sick person when he wakes up that someone came to visit him and he will have contentment from this (Ha-Rosh Al Ha-Torah, beginning of Parashat Vayera. Derech Sichah vol. 1, p. 65). And also visiting is in order to daven for the sick (Rama, Yoreh Deah 335:4. Ha-Gra #7) and to see to his needs (Tur ibid.).

#### Bikur Cholim for a Sick Baby

Q: Is there a Mitzvah to visit a sick baby?

A: Yes. For various reasons: 1. To daven for him, and the visit will awaken within him more mercy (Rama, Yoreh Deah 335:4. Ha-Gra #7). 2. To see to his needs (Tur ibid.). 3. To give strength to the parents (brought in Beit Yosef ibid. Biur Halachah ibid. Shut Avnei Yashpe 1:230).

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